

USSN 09/895,948

REMARKS

Claims 1-19 are pending in the application.

Claims 1-19 were rejected.

Claims 1, 11, 16 and 19 are amended.

Prior Art Rejections

Claims 1, 8-10 and 16 were rejected under 35 USC 102(e) as being anticipated by Moy et al. The remainder of the Claims are rejected under 35 USC 103 as being obvious over Moy in view of other references.

The present invention as claimed generally sets forth a ubiquitous signaling mechanism that allows any interface device to an optical network to be handled without the need to use the legacy signaling techniques of that device. Thus the present invention considers a combination of many heterogeneous systems which each may require a different signaling system to launch a call across an all optical network. As such, a device and method is claimed where all signaling translations for all the different end points can be handled directly by the enhanced signaling system of the present invention.

The Moy reference on the other hand requires that new interface devices be created in order for signaling to be accomplished across the optical network. That is, Moy focuses on issues of QoS and how a call can best be launched across an optical network, when it originates from different (possibly heterogeneous) end points. For example, Moy speaks of an IUD (Interface User Device) as a mechanism for accommodating various end points. As described in paragraph 40, for example, the IUD may transmit signaling request the optical transport network (OTN), but it is not the IUD that provides the actual signaling directly to the optical network, as is done by the present invention.

That is, the present invention as claimed provides a direct signaling interface to the optical network, unlike the Moy reference, which, as mentioned, requires a number of interfaces. The present invention thus addresses the unified signaling between the optical network (or any other device) and the external systems that may

USSN 09/895,948

wish to set up calls on an all optical network. Based on the above remarks, applicant respectfully submit that the Moy reference does not anticipate the claims of the present invention since the Moy reference does not provide for direct signaling to the optical network.

The remainder of the claims each utilize Moy as the primary reference. Since applicants have distinguished their claims over the Moy reference, the Section 103 rejections are also believed to be overcome.

With regard to Claim 15, for example, the Examiner combines 3 references in order to purportedly render each of the claims obvious. Applicant respectfully points out to the Examiner, that the rejections made in the current Office Action based upon the cited references require a selective combination of various elements in order to be applied to the present invention. The law is clear, when prior art references require selective combination to render an application obvious, that there must be some reason for the combination other than hindsight gleaned from the invention itself. *Interconnect Planning Corp. v. Feil* 227 USPQ (Fed. Cir. 1985) See also *Ashland Oil, Inc.* 227 USPQ 657 (Fed. Cir. 1985). Something in the prior art as a whole must suggest the desirability and thus the obviousness, of making the combination. *Lindermann Maschinefabrik GmbH V. American Hoist and Derrick Co.* 221 USPQ 481 (Fed. Cir. 1984). See also MPEP 2143.01 which states essentially that the prior art must suggest the desirability of the claimed invention. "The level of skill in the art cannot be relied upon to provide the suggestion to combine references." *Al-Site Corp. v. VSI Int'l Inc.* 50 USPQ1161 (Fed. Cir. 1999).

Applicant respectfully submits that the Examiner has not made the required showing in support of the argued combination other than wrongful hindsight reconstruction gleaned from the invention itself. .

With regard to Claims 2, 14 and 17, applicants again respectfully submit that the Examiner has not made the required showing in support of the argued combination other than wrongful hindsight reconstruction. Applicants respectfully submit that proper

USSN 09/895,948

suggestion is lacking to combine the Moy reference with the additional signaling networks of Berg.

Based on the above remarks and the amendments to the claims, applicants submit that the claims have been shown to be allowable in view of the prior art and that the basis for any rejections has been overcome.

Conclusion

If the Examiner believes that prosecution would be expedited by direct discussion, a telephone call to the undersigned would be welcomed.

Please address all written correspondence to:

Docket Administrator
Room 3J-219
Lucent Technologies, Inc.
101 Crawfords Corner Road
Holmdel, New Jersey 07733-3030

If any additional fees are due with respect to this amendment, please charge them to Deposit Account No. 12-2325

Respectfully submitted,



Matthew J. Hodulik
Reg. No. 36,164
Corporate Counsel
(732) 949-9742

Lucent Technologies Inc.
Dated: October 15, 2004